

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEFFREY CARNEY,

Appellant,

v.

Case No. 08-12374

Judge: Robert H. Cleland

SANDRA GIRARD, et al.,

Appellee.

**AMENDED ORDER WAIVING PREPAYMENT OF THE APPELLANT FILING FEE
AND DIRECTING PAYMENT OF THE INITIAL PARTIAL FILING FEE
AND SUBSEQUENT PAYMENTS¹**

The court has reviewed Appellant's financial affidavit, certified account statement or its equivalent, and signed authorization to withdraw funds. Having considered these items, the court **GRANTS** Appellant's application to proceed without prepayment of the filing fee for this appeal. 28 U.S.C. § 1915(a)(1).

Appellant, a prisoner, must pay the full filing fee, properly calculated and apportioned among all appellants, of \$227.50 for this appeal. 28 U.S.C. § 1915(b)(1); *Talley-Bey v. Knebl*, 158 F.3d 884, 887 (6th Cir. 1999). The court must assess and, if funds exist, collect an initial partial filing fee.

The custodian of the appellant's trust account at the institution where the appellant resides is **ORDERED to compute an initial partial payment**, twenty percent (20%) of the greater of: (1) the average monthly deposits to appellant's account, or (2) the average monthly balance in appellant's account for the preceding six (6) months. After the appellant pays the initial partial filing fee, the appellant must make monthly payments of twenty percent (20%) of the preceding month's income credited to appellant's account. 28 U.S.C. § 1915(b)(2).

Further, the custodian of the appellant's trust account is **DIRECTED** to: (1) withdraw or set aside the initial partial filing fee from appellant's trust fund account; (2) forward this amount to the Clerk of this Court within thirty (30) days of the date of this order; and (3) in subsequent months, or from time to time, forward payments of twenty percent (20%) of the preceding month's income credited to Appellant's account to the Clerk of this Court until appellant has paid the entire filing fee of \$227.50.

¹ This order replaces the court's "Order Waiving Prepayment of the Appellant Filing Fee and Directing Payment of the Initial Partial Filing Fee and Subsequent Payments" issued on January 5, 2011. (Dkt. # 199.) The previous order was vacated by the court's "Order Vacating Orders Waiving Payment." (Dkt. # 202.) Any funds previously withdrawn or set aside from Appellant's trust account are to be considered as partial payment of the fee set forth in this order.

The court will notify the agency having custody of appellant when appellant has paid the entire filing fee. The court has attached to this order a copy of Appellant's authorization to withdraw funds from Appellant's trust fund account.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: March 3, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, March 3, 2011, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522